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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/037,089 | 11/09/2001 | Akihiro Tsuji | 70356 | 5918 |

7590 08/01/2003

McGLEY AND TUTTLE, P.C.
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EXAMINER

FISHMAN, MARINA

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,089

Applicant(s)

TSUJI, AKIHIRO

Examiner

Marina Fishman

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 7/30/03.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 7-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 11 is/are allowed.

6) Claim(s) 7-10 and 22-26 is/are rejected.

7) Claim(s) 12-21 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

4) Interview Summary (PTO-413) Paper No(s) _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

General Status

1. This is a First Action on the Merits. Claims 7 – 26 are pending in the case and are being examined.

Claim Objections

Claims 12 – 26 are objected to because of the following informalities: "A switch" and "A key switch" should be corrected as –The key switch--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7 – 10, 22 - 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kenmochi [US 6,084,190].

Regarding claims 7 – 10, Kenmochi discloses a key switch [Figures 1 – 12] having:

- a key top [2] made of a thermoplastic resin [Column 4, line 50];
- an extruding part [1a] made of a thermoplastic elastomer;
- the key top and the extruding part are integrated in one body [Column 2, lines17 - 20];

- a plurality [Column 1, lines 6 – 10] of the key switches are integrated by means of a bridging member [1c] made of a thermoplastic material; and
- a decorative layer formed on the surface of the key top [5].

Regarding claims 22 and 25, Kenmochi discloses a key switch with bowl-shaped key tops and with extruding parts arranged inside the bowl-shaped key tops and with a portion extending away from a respective key top [Figures 1 –12].

Claims 23, 24 and 26 recite “extruded part and said bridging member integrated with said key tops by injection molding”, this is a method step recitation in an article claim, and method step recitation in the article claim does not carry any patentable weight.

Response to Arguments

3. Applicant's arguments, see paper # 10, filed 06/11/03, with respect to Claims 12 - 21 have been fully considered and are persuasive.

Allowable Subject Matter

4. Claim 11 is allowed.
5. Claims 12 - 21 would be allowable if rewritten or amended to overcome the claim objections, set forth in this Office action.
6. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach or suggest, in combination with the claimed elements, a key switch with U-shaped bridging member connecting the plurality of extruded parts and the plurality of key tops, wherein the U-shaped bridging member

made of a thermoplastic elastomer and arranged in a bridge plane substantially parallel to the key top.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 703-305-1665. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (703) 308-1782. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1920.

Marina Fishman
July 28, 2003

ELVIN ENAD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

7/31/03